

1 STEVEN W. MYHRE
2 Acting United States Attorney
3 Nevada State Bar No. 9635
4 DANIEL D. HOLLINGSWORTH
5 Assistant United States Attorney
6 Nevada State Bar No. 1925
7 501 Las Vegas Boulevard South, Suite 1100
8 Las Vegas, Nevada 89101
9 Daniel.Hollingsworth@usdoj.gov
10 Telephone: (702) 388-6336
11 Facsimile: (702) 388-6787
12 Counsel for United States

13

14

15

16

17

18

19

20

21

22

23

24

25

26

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

20 UNITED STATES OF AMERICA,) 2:12-CR-214-KJD-(PAL)
21)
22 Plaintiff,)
23)
24 v.) Stipulation for Return of Property and Order
25)
26 MICHAEL A. FELS,)
27)
28 Defendant.)

29 The United States of America, by and through its undersigned counsel, hereby stipulates
30 with TRNSX.NET LLC as follows:

31 1. On September 11, 2012, Michael A. Fels (Fels) pled guilty to a violation of Title 21,
32 United States Code, Section 331(k), Misbranding While Held for Sale and agreed to the forfeiture
33 of property named in the Plea Agreement and the Forfeiture Allegation of the Criminal
34 Information. Criminal Information, ECF No. 7, Change of Plea, ECF No. __; Plea Agreement,
35 ECF No. 9.

36 2. On September 20, 2012, the Court entered the Preliminary Order of Forfeiture (ECF
37 No. 13), in which Fels forfeited to the United States property that was referenced in the Plea
38

39 ///

1 Agreement and the Forfeiture Allegation of the Criminal Information pursuant to Title 18, United
2 States Code, Section 982(a)(7).

3 3. On December 19, 2012, the Court sentenced Fels and on December 26, 2012, entered
4 the Judgment in a Criminal Case (JNC) with the Preliminary Order of Forfeiture attached (ECF
5 No. 16).

6 4. The \$293,240.36 (property) was forfeited to the United States of America in the
7 Preliminary Order of Forfeiture (ECF No. 13) attached to the JNC (ECF No. 16).

8 5. The potential petitioners were served and the notice was published (ECF Nos. 20, 24,
9 and 32). TRNSX.NET LLC filed a Petition for Ancillary Hearing (ECF Nos. 25 and 27).

10 6. TRNSX.NET LLC knowingly and voluntarily agrees to waive the statute of
11 limitations, the CAFRA requirements, Fed. R. Crim. P. 7, 11, and 32.2, the constitutional
12 requirements, and the constitutional due process requirements of any abandonment proceeding or
13 any forfeiture proceeding concerning the property.

14 7. TRNSX.NET LLC knowingly and voluntarily agrees to waive (a) all constitutional,
15 legal, and equitable defenses to, (b) any constitutional or statutory double jeopardy defense or
16 claim concerning, and (c) any claim or defense under the Eighth Amendment to the United States
17 Constitution, including, but not limited to, any claim or defense of excessive fine in any
18 proceedings concerning the property.

19 8. TRNSX.NET LLC knowingly and voluntarily agrees to the entry of an Order of
20 Forfeiture of the property to the United States.

21 9. TRNSX.NET LLC waives the right to appeal any Order of Forfeiture.

22 10. TRNSX.NET LLC knowingly and voluntarily agrees to the conditions set forth in this
23 Stipulation of Return of Property and Order (Stipulation).

24 11. TRNSX.NET LLC knowingly and voluntarily agrees to hold harmless the United
25 States, the United States Department of Justice, the United States Attorney's Office for the
26 District of Nevada, the Food and Drug Administration, the Federal Bureau of Investigation, their

1 agencies, their agents, and their employees from any claim made by it or any third party arising
2 out of the facts and circumstances of this case.

3 12. TRNSX.NET LLC releases and forever discharges the United States of America, the
4 United States Department of Justice, the Food and Drug Administration, the Federal Bureau of
5 Investigation, their agencies, their agents and their employees from any and all claims, rights, or
6 causes of action of any kind that TRNSX.NET LLC now has or may hereafter have on account
7 of, or in any way growing out of, the seizure of the property.

8 13. TRNSX.NET LLC knowingly and voluntarily acknowledges, understands, and agrees
9 that (a) federal law requires the Department of the United States Treasury and other disbursing
10 officials to offset federal payments to collect delinquent tax and non-tax debts owed to the United
11 States and to individual states (including past-due child support); (b) if an offset occurs to the
12 payment to be made pursuant to this Stipulation, they will receive a notification from the
13 Department of the United States Treasury at the last address provided by them to the
14 governmental agency or entity to whom the offset payment is made; (c) if they believe the
15 payment may be subject to an offset, they may contact the Treasury Department at 1-800-304-
16 3107; (d) the terms of this Stipulation do not affect the tax obligations fines, penalties, or any
17 other monetary obligations owed to the United States or an individual state; and (e) the exact sum
18 delivered to Richard M. Barnett, on behalf of it, may well be a lesser sum, if the Treasury Offset
19 Program reduces the amount in satisfaction of a debt obligation.

20 14. After the United States District Court has signed this Stipulation for Return of
21 Property and Order concerning the Property, and within a practicable time thereafter for the
22 United States, the United States knowingly and voluntarily agrees the United States will transfer
23 to TRNSX.NET LLC one payment of \$293,240.36 less any debt owed to the United States, any
24 agency of the United States, or any debt in which the United States is authorized to collect,
25 through Richard M. Barnett. TRNSX.NET LLC knowingly and voluntarily agrees to fill out the
26 Department of the United States Treasury Automated Clearing House (ACH) form accurately and

1 correctly and submit it to the United States Attorney's Office so that the payment of the money
2 can be disbursed by electronic fund transfer. TRNSX.NET LLC knowingly and voluntarily agrees
3 the \$293,240.36 may be offset by any debt owed to the United States, any agency of the United
4 States, or any debt in which the United States is authorized to collect.

5 15. Each party acknowledges and warrants that its execution of the Stipulation is free and
6 is voluntary.

7 16. The Stipulation contains the entire agreement between the parties.

8 17. Except as expressly stated in the Stipulation, no party, officer, agent, employee,
9 representative, or attorney has made any statement or representation to any other party, person,
10 or entity regarding any fact relied upon in entering into the Stipulation, and no party, officer,
11 agent, employee, representative, or attorney relies on such statement or representation in
12 executing the Stipulation.

13 18. The persons signing the Stipulation warrant and represent that they have full authority
14 to execute the Stipulation and to bind the persons and/or entities, on whose behalf they are signing,
15 to the terms of the Stipulation.

16 19. This Stipulation shall be construed and interpreted according to federal forfeiture law
17 and federal common law. The jurisdiction and the venue for any dispute related to, and/or arising
18 from, this Stipulation is the unofficial Southern Division of the United States District Court for
19 the District of Nevada, located in Las Vegas, Nevada.

20 20. Each party shall bear its own attorneys' fees, expenses, interest, and costs.

21 21. This Stipulation shall not be construed more strictly against one party than against the
22 other merely by virtue of the fact that it may have been prepared primarily for counsel for one of
23 the parties; it being recognized that both parties have contributed substantially and materially to
24 the preparation of this Stipulation.

25 ///

26 ///

1 IT IS HEREBY CERTIFIED, pursuant to Title 28, United States Code, Section
2 2465(a)(2), that there was reasonable cause for the seizure of the property.

3 DATED: 4-26-17

4 TRNSX.NET LLC

5
6 
7 RICHARD M. BARRETT
Counsel for TRNSX.NET LLC

DATED: _____

DANIEL G. BOGDEN
United States Attorney

8
9
10
11 IT IS SO ORDERED:
12
13 UNITED STATES DISTRICT JUDGE
14
15
16
17
18
19
20
21
22
23
24
25
26

1 IT IS HEREBY CERTIFIED, pursuant to Title 28, United States Code, Section
2 2465(a)(2), that there was reasonable cause for the seizure of the property.

3 DATED: _____

DATED: May 3, 2017

4 TRNSX.NET LLC

STEVEN W. MYHRE
Acting United States Attorney

7 RICHARD M. BARNETT
Counsel for TRNSX.NET LLC

/s/ Daniel D. Hollingsworth
DANIEL D. HOLLINGSWORTH
Assistant United States Attorney

11 IT IS SO ORDERED:

12 
13 UNITED STATES DISTRICT JUDGE

Dated: 5/19/2017

20
21
22
23
24
25
26